

FORM-A**IN THE COURT OF SUB-DIVISIONAL
JUDICIAL MAGISTRATE, NUAPADA****P r e s e n t:****Smt Snataki Dash, LL.M.,
S.D.J.M, Nuapada****JO CODE:- OD0727****Dated, 07th day of July, 2026****2(a)cc No. 251 of 2025
Trial No.784/2025
C. No.252/2025****(Arising Out of P.R No.181/2025-26, Excise Station,
Nuapada**

Complainant	STATE OF ODISHA
Represented by	Sri Ajaya Sharma, L/d APP, Nuapada
Accused	Ramratan Yadav, aged about 46 years, S/o- Late Luturam Yadav, AT- Khariar Road, Ward No.02, PO-Khariar Road, PS- Jonk, Dist- Nuapada.
Represented by	Advocate Sri K. Pradhan & Associate Advocates, Nuapada.

Status of the accused person: Accused is on bail.

FORM-B

Date of Offence	11.10.2025
Date of PR	11.10.2025
Date of Framing of Charges	15.10.2025
Date of Commencement of Evidence	24.01.2026
Date of which Judgment is Reserved	07.07.2026
Date of the Judgment	07.07.2026
Date of the Sentencing Order, if any	N.A.

Accused Details:

Rank of the accused	Name of the accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention on undergone during Trial for purpose of Section 468 of BNSS
1.	Ramratan Yadav	11.10.25	11.10.25	U/s.52(a) of Odisha Excise Act	Acquitted	-	N.A.

J U D G M E N T

01. The above named accused stands charged for the commission of offence U/s.52 (a) of the Orissa Excise Act for possessing 9.200 liters of OS liquor without license or any authority.

02. The brief facts of the case is that on 11.10.2025 at about 10:00 am while the ASI of Excise Balabhadra Rout and staffs were performing patrolling duty at Khariar Road area under Jonk PS, they noticed that a person was going by holding a white colour jerry bag. On suspicion that person was detained and on search being conducted by the Excise officials, they recovered 46 nos. of poly pouches, each containing 200 ml., in total 9.200 liters of OS liquor from the possession of the accused. On demand the accused could not produce any license for selling of the said liquor pouches. The informant-cum-IO tested the liquid substance with blue litmus paper which turned into red. From the test, smell and from his service experience, he came to know that the liquid substance is nothing but O.S Liquor. Thereafter, he seized the said pouches from the possession of accused at the spot in presence of witnesses, prepared the seizure list. After completion of inquiry the IO submitted PR on dt.11.10.2025 PR No.181/2025-26 against the present accused U/s.52(a) of Odisha Excise Act. Hence, this case.

03. The plea of accused is one of complete denial and that of false implication.

04. The points for determination in this case is as follows:

I. Whether on dtd-11.10.2025 at about 10:00 am at Khariar Road area under Jonk PS, the accused was in illegal possession of 46 nos. of poly pouches each containing 200 ml., in total 9.200 liters of OS liquor without having any license or authority?

05. In order to prove its case, prosecution has examined as many as three witnesses. P.W.2 is the informant-cum-IO, P.W.1 is an official witness and P.W.3 is an independent seizure witness. Prosecution has exhibited some documents which are appended at the footnote of the judgment. On the other hand, defence has neither examined any witnesses nor exhibited any document on its behalf.

06. Examined the evidence on record. After careful scrutinization of available evidence, it is found that the Informant-cum-IO (**P.W.2**) deposed that on dated 11.10.2025 at about 10:00 am, 46 nos. of poly pouches each containing 200 ml., in total 9.200 liters of OS liquor were recovered from the possession of the accused. He proved the seizure list vide Ext.P-1¹/PW2 and admitted his signature on it vide Ext.P-1²/PW2. He proved the spot map vide Ext-P-2/PW.2 and admitted his signature on it vide Ext.P-2¹/PW.2. During his cross examination he stated that he had not undergone any special training to ascertain liquor. He

further stated chemical test is the surest to ascertain liquor. He also deposed that blue litmus paper turns red if it comes in contract with any acidic substance and he does not find the seized items before the court. He stated that no sample was collected from the seized liquor for purpose of chemical examination. He deposed that he had not submitted the malkhana reference no. with respect to the keeping of seized items and had not submitted any tour diary in connection with this case. The official witness **(P.W.1)** deposed that on dated 11.10.2025 at about 10:00 am, 46 nos. of poly pouches each containing 200 ml., in total 9.200 liters of OS liquor were recovered from the possession of the accused. He admitted his signature on the seizure list vide Ext.P-1/PW1. During his cross-examination he stated that blue litmus paper changes its colour if it comes in contact with any acidic substance and no sample was collected from the seized liquor at the spot for purpose of chemical examination. He deposed that no money was seized from the possession of the accused and he could not say what was written on the seized pouches. The independent witness **(P.W.3)** expressed his total ignorance about this case and deposed that nothing has been seized in his presence.

Admittedly, the seized liquor subjected to blue litmus paper test. It is well settled that blue litmus paper test determines the acidic content of the liquid.

The Hon'ble High Court of Orissa in **Suma Das V. State of Orissa reported in (1993) 6 OCR-612** has observed inter-alia that :-

“ Hence, the blue litmus paper only shows that the liquid to be acidic and no more. So far as hydrometer test is concerned, it is a test only to show the density of the liquid. Thus, the combined effect of blue litmus paper and hydrometer tests would show that the liquid is acidic in nature and density similar to that of liquor. But, both such tests to put together would not avoid the possibility that the liquid is not distilled liquor ”.

07. From the above evidence on record, it is noticed that the seized pouches have never been produced in the Court for inspection, which creates a reasonable doubt regarding truthfulness of the case of the prosecution. It is the duty of the excise officer to produce the seized articles during trial but he failed to do so. Chemical test is the surest test to ascertain liquor but in this case no sample was collected for purpose of chemical examination. Hydrometer chart is not submitted in this case. Moreover the independent witness has not supported case of prosecution and denied the fact of seizure in his presence. In the case reported in **Simanchal Choudhry Vrs State of Orissa reported in 2005(II)O.L.R 401** where in their Lordship have held that independent corroboration

regarding the factum of search, seizure and chemical examination is must for coming to conclusion as regards the guilt of accused in a case of this nature. Relying on the above said case laws & in absence of any independent corroboration to this case, the alleged offence is not proved against the accused beyond all reasonable doubts.

08. In the result, this court holds that the accused is found not guilty of the offence punishable U/s.52 (a) of the Odisha Excise Act. Accordingly, this Court acquitted him thereof U/s.278(1) of BNSS. Let the accused be set at liberty forthwith. Previous bail bonds to remain in force till six months from today for the purpose of Section 481 of BNSS.

The seized articles be destroyed after expiry of four months of period of limitation for appeal, if no appeal is preferred or if appeal is preferred the same shall be disposed of as per the direction of the Hon'ble Appellate Court.

This judgment is pronounced by me in the open Court in presence of the accused for today i.e. on this 07th day of July, 2026 under my signature and seal of this court.

S.D.J.M., Nuapada

Typed to my dictation and corrected by me.

S.D.J.M.,Nuapada.

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES		
A. Prosecution Witnesses		
RANK	NAME	NATURE OF EVIDENCE
P.W.1	Nilamadhaba Sahu	Official Seizure Witness
P.W.2	Balabhadra Rout	Informant-cum-IO
P.W.3	Motiram Sahu	Independent Seizure Witness
B. Defence Witness, if any:		
RANK	NAME	NATURE OF EVIDENCE
-NIL-	-NIL-	-NIL-
C. Court Witnesses, if any:		
RANK	NAME	NATURE OF EVIDENCE
-NIL-	-NIL-	-NIL-
LIST OF PROSECUTION/DEFENCE/COURT/EXHIBITS		
A. Prosecution Exhibits		
Sl. No.	Exhibit Number	Description
1.	Ext.P-1/PW1	Signature of PW.1 on seizure list
2.	Ext.P-1 ¹ /PW2	Seizure List
3.	Ext.P-1 ² /PW.2	Signature of PW.2 on seizure list
4.	Ext.P-2/PW2	Spot Map
5.	Ext.P-2 ¹ /PW2	Signature of PW.2 on Spot Map
B. Defence Exhibits, if any		
Sl. No	Exhibit Number	Description
1.	-NIL-	-NIL-
C. Court Exhibits, if any		

Sl. No.	Exhibit Number	Description
1.	-NIL-	-NIL-
D. Material Object:		
Sl. No.	Material Object	Description
1.	-NIL-	-NIL-

S.D.J.M., Nuapada.